



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



Leonard Thomas Jr.
3 Lindsay Lane
Methuen, MA 01844

LETTER OF DEFICIENCY

#SP-2002-21

November 5, 2002

RE: DES Wetlands File #2002-02129 13 Roberts Rd, Gilford

Dear Mr. Thomas:

On September 26, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Gilford Tax Map 242, Lot 181, Roberts Road, Gilford, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act, as well as RSA 482 and NH Code of Admin. Rules Wt100-700. During the inspection the following deficiency was noted:

Six personal watercraft lifts ("PWC"), two having canopies, were observed along the western edge of the property, without a permit from DES.

In response, you are requested to take the following actions

Immediately remove the unpermitted WPC lifts

2. Within 20 days of receiving this Letter of Deficiency, submit photographs to DES that verify the lifts have been removed.
3. Once it has been demonstrated that the lifts have been removed, a permit application may be made to DES.

Other issues that were reviewed during the inspection included status of tie-off posts that had been installed along the east side of the boathouse, recent tree-cutting on the property, discussion of a proposed patio within 20 feet of the lake, and a wetlands application for a permit to construct a perched beach in an area which is currently consists of an unsafe, deck/docking structure.

It was determined that the tie-off posts which had been added to the east side of the boathouse have since been removed. It was observed that six trees had recently been cut in the vicinity of the garage and driveway. Based upon their proximity to the garage and parking area, and review of historical photographs in DES's possession showing the trees were not healthy, DES is not considering the cutting of these trees to be a violation. Please be advised that any additional cutting on the property may be viewed as a violation. During the site visit, an area between the house and the lake was discussed where you propose to build a patio. Review of historical photographs in DES's possession was unable to determine that this area had been

previously been a patio. In the absence of information that proves this area had been a patio, a six-foot wide walkway is the maximum size structure allowed within 20 feet of the lake reference line.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,


COPY

Mark Harbaugh Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 1655

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
✓ Mark Harbaugh, DES Enforcement Attorney
Gilford Conservation Commission
Gilford Board of Selectmen
David Killoy, USACOE